

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
MAY 3, 2016 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on May 3, 2016 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. Richard M. Hannold, Chair, Jill Johnson, Member, and Helen Price Johnson, Member, were present. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS

[Documents on file with the Clerk of the Board]

There were no public comments offered

APPROVAL OF PRELIMINARY AGENDA AS AMENDED

Added to Regular Agenda –

Item 13 - Resolution C-45-16 Proclaiming the Week of May 1–7, 2016 Public Service Recognition Week in Island County

Item 14 - Resolution C-46-16 Proclaiming the Week of May 15-21, 2016 as Police Week and May 15, 2016 as Peace Officers Memorial Day

ACTION TAKEN:

By unanimous vote, the preliminary agenda was approved as amended with the addition of Items 13 and 14.

CONSENT AGENDA

[Documents on file with the Clerk of the Board]

Pre-audited bills:	\$285,847.79
Vouchers:	\$949,744.47
Electronic funds transfers:	\$287,461.07
Payroll:	\$681,247.64
Minutes:	Regular Sessions – 4/5, 4/12/16
	Work Sessions – 3/17, 4/16/16

Human Services

- Contract Amendment 1 with WA State Department of Social and Health Services (DSHS) to extend the Long-Term Payable Agreement. Contract No. 1563-32715(1); Contract period: 7/1/16 – 6/30/17; Amount: \$0 (RM-HS-2016-147)
- Interagency Agreement with North Sound Behavioral Health Organization to provide jail transition services. Contract No. NORTH SOUND BHO-ISLAND CO-JAIL SERVICES; Contract period: 4/1/16 – 3/31/18; Amount: \$86,999.52 (RM-HS-2016-150)
- Contract with South Whidbey School District to provide support services to families struggling with homelessness. Contract No. HS-4-16; Contract period: 1/1/16 – 12/31/16; Amount: \$19,500 (RM-HS-2016-435)

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Public Works - County Roads

- Local Agency Federal Aid Project Prospectus – Countywide signage upgrade
- Contract Extension No. 1 with Zumar Industries for County signing upgrade; Time Extension 3/24/16 – 3/24/17 (RM-PW-2016-152) (PW-1620-055)

Public Works - Parks

- Deed of Right to Use Land for Public Outdoor Recreation Purposes - WA State Recreation and Conservation Funding Board and Recreation and Conservation Office (RCO); Trillium Community Forest, Smugglers Cove Property; inspect for compliance with agreement terms and conditions (RM-PW-2016-77) (PW-1620- 029)
- Deed of Right to Use Land for Public Outdoor Recreation Purposes – WA State Recreation and Conservation Funding Board and Recreation and Conservation Office (RCO); Trillium Community Forest, Forest Bounty Loop (30.00 acres); inspect for compliance with agreement terms and conditions (RM-PW-2016-76) (PW-1620- 028)
- Deed of Right to Use Land for Public Outdoor Recreation Purposes – WA State Recreation and Conservation Funding Board and Recreation and Conservation Office (RCO); Trillium Community Forest , Forest Bounty Loop (2.5 acres); inspect for compliance with agreement terms and conditions (RM-PW-2016-75) (PW-1620- 027)

ACTION TAKEN:

By unanimous vote, the Consent Agenda was approved as presented.

REGULAR AGENDA

[Documents on file with the Clerk of the Board]

Current Use Planning & Community Development

Ordinance C-43-16 (PLG-002-16) Amending the Island County Code to Make Housekeeping Amendments Identified by County Staff. As forwarded and recommended by the Planning Commission, this Ordinance addresses minor housekeeping issues such as obsolete text, scrivener's errors, and minor inconsistencies in County Code Chapters 16.06, 16.13 and 17.03.

Long Range Planning Director, Keith Higman, presented the proposed ordinance.

ACTION TAKEN:

By unanimous vote, Resolution C-43-16 Amending the Island County Code to Make Housekeeping Amendments Identified by County Staff was adopted.

Long Range Planning

Ordinance C-44-16 (PLG-003-16) Amending Island County's Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas. As forwarded and recommended by the Planning Commission, the Ordinance is intended to address compliance actions for Issues 1, 3 and 10 as described in the Growth Management Hearings Board Final Decision and Order issued June 24, 2015.

Mr. Higman indicated that the original regulations were adopted in September 2014 then challenged to the Growth Management Hearings Board. The Growth Board had issue with

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seven of the adopted items, three of which are addressed in this ordinance. Those three items as modified are:

- Issue 1 - Challenge of a definition for reasonable use

~~*Reasonable Use means the minimum logical or rational use of a specific parcel of land which a person can be expected to conduct or maintain fairly and appropriately taking into account specific site characteristics*~~

Reasonable Use means the logical or rational use of a specific parcel of land which a person can be expected to conduct or maintain fairly and appropriately under the specific circumstances, considering the size of the lot, the type of use or structure proposed and similar uses and structures in the general vicinity of the lot, that are permitted uses consistent with and conforming to current regulations.

- Issue 10 - Definition of Existing and Ongoing Agricultural Activity – Exemption Table

An existing or on-going agricultural activity or operation ceases to be on-going when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program other than CREP and other riparian buffer enhancements. The five-year period specified above may be extended by appropriately limited and reasonable amount of time in order to account for unavoidable and unintentional events which make active agricultural use impossible. Such events may include, the death of an agricultural operator, difficulty selling the agricultural property, or difficulty securing a lease with an agricultural operator. Such extensions shall be limited to three years.

- Issue 3 - Removal of Beaver – Exemption Table

~~*The control, trapping, and removal of beaver from critical areas or critical area buffers provided no alteration occurs except the removal of the beaver dam and the control, trapping, or removal is authorized by the Washington State Department of Fish and Wildlife (WDFW) through the issuance of a hydraulic project approval (HPA).*~~

At the suggestion of the Code Reviser, regarding Issue 10, Mr. Higman added that while it was the Planning Commission's intent to limit the extension period to three years and make that a singular extension, the way the sentence is written it could be construed that the definition does not necessarily limit the extension to one extension. The Code Reviser recommended that instead of saying, "Such extensions shall be limited to three years," that the language be modified to read, "One extension may be allowed and shall be limited to three years." Mr. Higman additionally relayed that the Board would not need to hold another public hearing because the amendment would merely be a point of clarification.

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ACTION TAKEN:

It was moved by Commissioner Price Johnson to adopt Ordinance C-44-16 (PLG-003-16) Amending Island County's Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas, second by Commissioner Johnson.

It was moved by Commissioner Price Johnson to amend the language in Issue 10, Definition of Existing and Ongoing Agricultural Activity (page 8) as presented, second by Commissioner Johnson, motion carried unanimously.

By unanimous vote, Ordinance C-44-16 (PLG-003-16) Amending Island County's Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas (*GMA No. 11958*) was adopted as amended.

Issue 10 - Definition of Existing and Ongoing Agricultural Activity – Exemption Table

An existing or on-going agricultural activity or operation ceases to be on-going when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program other than CREP and other riparian buffer enhancements. The five-year period specified above may be extended by appropriately limited and reasonable amount of time in order to account for unavoidable and unintentional events which make active agricultural use impossible. Such events may include, the death of an agricultural operator, difficulty selling the agricultural property, or difficulty securing a lease with an agricultural operator. ~~Such extensions shall be limited to three years.~~ One extension may be allowed and shall be limited to three years.

Commissioners

ADDED TO THE REGULAR AGENDA

Resolution C-45-16 Proclaiming the Week of May 1–7, 2016 Public Service Recognition Week in Island County

ACTION TAKEN:

By unanimous vote, Resolution C-45-16 Proclaiming the Week of May 1-7, 2016 Public Service Recognition in Island County was adopted.

ADDED TO THE REGULAR AGENDA

Resolution C-46-16 Proclaiming the Week of May 15-21, 2016 as Police Week and May 15th, 2016 as Peace Officers Memorial Day

ACTION TAKEN:

By unanimous vote, Resolution C-46-16 Proclaiming the Week of May 15-21, 2016 as Police Week and May 15, 2016 as Peace Officers Memorial Day in Island County was adopted.

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PUBLIC HEARINGS

[Documents on file with the Clerk of the Board]

There were no public hearings scheduled

COMMISSIONERS COMMENTS AND ANNOUNCEMENTS

The Commissioners provided their respective comments and announcements.

Executive Session Announced

Commissioner Hannold announced that the Board would recess then meet in Executive Session beginning at 1:30 p.m. as authorized under RCW 42.30.110(1)(i) to discuss with legal counsel litigation or potential litigation. The Executive Session would occur in the Administration Building, Conference Room 218, and was expected to last approximately 1 hour. No announcement in open public session was anticipated.

At 10:39 a.m. the Board recessed.

At 1:30 p.m. the Board reconvened Regular Session and immediately went into Executive Session as provided under RCW 42.30.110(1)(i). At 2:30 p.m. the Chair announced that an additional 15 minutes would be needed for Executive Session.

There being no further business to come before the Board the meeting adjourned at 2:45 p.m. following Executive Session. The Board will meet next in Regular Session on May 10, 2016 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Richard M. Hannold, Chair

Jill Johnson, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson
Clerk of the Board